

REMARKS

Initially Applicant would like to express appreciation to the Examiner for the detailed Official Action provided.

Applicant submits that the instant amendment is proper for entry after final rejection. Applicant notes that no question of new matter or any new issues raised in entering the instant amendment of the claims and that no new search would be required.

Moreover, Applicant submits that the instant amendment places the application in condition for allowance, or at least in better form for appeal.

Accordingly, Applicant requests that the Examiner enter the instant amendment, consider the merits of the same, and indicate the allowability of the present application and each of the pending claims.

Upon entry of the above amendments, claims 1, 5 and 8 will have been amended. Claims 1, 3-5, 7, 8 and 10 are currently pending. Applicant respectfully request reconsideration of the outstanding rejection, and allowance of the claims pending in the present application.

In the Official Action, the Examiner rejected claims 1, 3-5, 7, 8 and 10 under 35 U.S.C. § 103(a) as being unpatentable over TRONVILLE (U.S. Patent No. 4,432,564) in view of MACISAAC (U.S. Patent No. 4,550,926) and HOLBROOK (U.S. Patent No. 6,767,153).

Without acquiescing to the propriety of the Examiner's above-noted rejection, Applicant has amended independent claims 1, 5, and 8 solely in order to more clearly recite the presently claimed invention and to expedite prosecution of the present application.

In this regard, Applicant submits that TRONVILLE, MACISAAC, and HOLBROOK, alone or in any properly reasoned combination, fail to disclose the combination of elements as recited in independent claims 1, 5 and 8.

In particular, claims 1, 5 and 8 each set forth a torsion beam axle suspension including, inter alia, a mount provided in the outermost end of the left and right trailing arms that mounts a shock absorber, the mount comprising a ball joint having a generally cylindrical socket, insertion holes provided on opposing surfaces of the socket, and fasteners inserted into the insertion holes, the fasteners being provided on opposing surfaces of the socket such that longitudinal axes of opposing fasteners are co-axially aligned with each other, the fasteners being configured to adjust a position of the shock absorber.

Applicant submits that the applied prior art, alone or in any properly reasoned combination, fails to disclose at least the above-noted combination of elements.

In setting forth the rejection, the Examiner asserts that TRONVILLE and MACISSAC disclose the general structure of the presently claimed invention. However, the Examiner acknowledges that TRONVILLE and MACISSAC do not disclose the presently claimed insertion holes and fasteners (see, paragraph 5 of the Office Action). Nevertheless, the Examiner asserts that the teachings of HOLBROOK supplies the aforementioned deficiencies of TRONVILLE and MACISSAC.

In this regard, the Examiner asserts that the fasteners of HOLBROOK are aligned inasmuch as they are parallel, and are considered to be on opposing surfaces because (in the Examiner's opinion) they are situated on opposite sides of the ball 40 once assembled (*see* last paragraph on page 2 of the Official Action).

Contrary to the Examiner's assertions, Applicant submits that the socket of the presently claimed invention is very different structurally from the devices of the applied prior art.

More specifically, Applicant submits that HOLBROOK discloses the fasteners 350 being provided distanced from each other on the same side surface of the first housing section 310.

That is, Applicant submits that the longitudinal axes of the fasteners of HOLBROOK are spaced apart from each other (i.e., as indicated by the dashed lines corresponding to the longitudinal axes of the fasteners in Figure 2 of HOLBROOK).

Thus, Applicant submits HOLBROOK does not disclose at least the presently claimed fasteners being co-axially aligned with each other, as generally recited in independent claims 1, 5 and 8.

Therefore Applicant submits that even assuming, arguendo, that the teachings of TRONVILLE, MACISAAC, and HOLBROOK, have been properly combined (and Applicant submits they can not), the proposed combination still would not have resulted in the features of the embodiments of the present disclosure, as recited in amended claims 1, 5 and 8.

Further, Applicants also expressly incorporates all other arguments made in Applicant's previous Responses.

Accordingly, Applicant submits that the rejection of claims 1, 3-5, 7, 8 and 10, under 35 U.S.C. § 103(a) is improper for all the above reasons and withdrawal thereof is respectfully requested.

In view of the arguments herein, Applicant submits that independent claims 1, 5 and 8 are in condition for allowance. With regard to dependent claims 3, 4, 7 and 10, Applicant asserts that they are allowable on their own merit, as well as because of their respective dependencies from independent claims 1, 5 and 8 which Applicant has shown to be allowable.

Thus, it is respectfully submitted that all of the claims in the present application are clearly patentable over the references cited by the Examiner, either alone or in combination, and an indication to such effect is respectfully requested, in due course.

SUMMARY

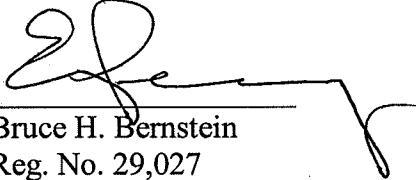
Applicant submits that the present application is in condition for allowance, and respectfully requests an indication to that effect. Applicant has argued the allowability of the claims and pointed out deficiencies of the applied references. Accordingly, reconsideration of the outstanding Official Action and allowance of the present application and all the claims therein are respectfully requested and is now believed to be appropriate.

Applicant notes the status of the present application as being an after final rejection and with respect to such status believes that there is a clear basis for the entry of the present amendment consistent with 37 C.F.R. § 1.116. Applicant notes amendments after final are not entered as a matter of right; however, Applicant submits that the present amendment does not raise new issues or the question of new matter. Moreover, the present amendment clearly places the present application in condition for allowance.

Applicant notes that this amendment is being made to advance prosecution of the application to allowance and should not be considered as surrendering equivalents of the territory between the claims prior to the present amendment and the amended claims. Further, no acquiescence as to the propriety of the Examiner's rejection is made by the present amendment. All other amendments to the claims which have been made in this amendment, and which have not been specifically noted to overcome a rejection based upon the prior art, should be considered to have been made for a purpose unrelated to patentability, and no estoppel should be deemed to attach thereto.

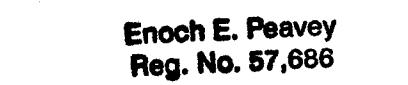
Should the Examiner have any questions, the Examiner is invited to contact the undersigned at the below-listed telephone number.

Respectfully submitted,
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